REMARKS / ARGUMENTS

I.   The Written Description Requirement is Met

The Examiner has rejected claims 28-31 under 35 U.S.C. § 112 as failing to comply with the written description requirement. The Examiner asserts that the subject matter of the claims was not described with sufficient specificity to convey to one skilled in the art that the Applicant had possession of the claimed invention. Applicant submits that the specification accurately and fully describes the claimed invention with sufficient specificity to indicate that Applicant was in possession of the invention at the time the present application was filed.

With respect to claim 28, the Examiner asserts that the present application does not disclose the use of two different access systems coupled to two extending frameworks. The Applicant submits that the disclosure is sufficient to support the claimed invention. Applicant respectfully submits it appears that the Examiner's understanding of the scope of the claim is incorrect. Claim 28 requires that a first access system be coupled to a first framework which interacts with the first framework and that a second access system be coupled to a second framework which is not identical to the first framework and which interacts with the second framework. Applicant submits that the Examiner has understood that these two access systems and frameworks to indicate a plurality of synchronization abstraction layers. This is not the case.

The first and second access systems are described in the Abstract and paragraph [0032] of the published application. These access systems are the access systems provided by the various multimedia frameworks, accordingly, the first and second frameworks correspond to at least two of these multimedia systems. Examples of these frameworks are the distinct interfaces for interaction provided by QuickTime® software and Netshow™

software. Both of these software applications provide for control and access to similar functionality though access systems and frameworks, but these systems and frameworks operate in distinct ways. This wide array of non-standard methods of interaction with these frameworks is precisely the problem that the invention is intended to address.

Accordingly, the now-amended language of "extension layer provides a uniform, cross-platform, framework-independent interface between said first and second frameworks and said extension module" is intended to indicate the purpose of the coupling system for interacting with a single extension module in which those functions are standardized for use with an single array of commands and functions. The extension layer, accordingly, is the interaction among the three logical elements, the access system to the first player, the access system to the second player and the coupling system for connecting to a single extension module (a plugin, see paragraph [0006] of the published application). This function is made clear in the portion of the claim quoted by the Examiner as unsupported. Furthermore, the disclosure describes the purpose of the invention in paragraphs [0006] through [0008], paragraph [0008] including an almost direct quote of the language cited by the Examiner as unsupported.

Finally, the entirety of paragraphs [0031] through [0040] describes the invention's application to one particular multimedia player's individual access framework and system. In paragraph [0032] it is indicated that it can, of course, "be easily adapted to extend other multimedia players in addition to the RealPlayer® software, especially if a common set of functional features exists in the various players" and goes on to describe with substantial specificity the way in which the invention works with RealPlayer® software. Given the purpose of the invention, as stated in paragraph [0006] and the description in [0031] through

[0040], Applicant submits that the cited portion of the claim satisfies the written description requirement and respectfully requests that the rejection be withdrawn.

Claim 29 and claim 30 were rejected under 35 U.S.C. § 112 on the same basis as claim 28 above. Applicant submits that claims 29 and 30 satisfy the written description requirement, as discussed above and respectfully requests that these rejections also be withdrawn.

Claim 31 was rejected under 35 U.S.C. § 112 as failing to satisfy the written description requirement. Applicant respectfully submits that this claim fully satisfies the written description requirement. In particular, the Examiner indicates that the invention does not disclose two different extending frameworks or the extension module. Applicant submits that, as discussed above, the two different extending frameworks are portions of the individual multimedia players, such as RealPlayer® software or NetShow™ software used to provide for extension to those video players (see paragraph [0005] of the published application). Furthermore, the present application discloses the meaning of the phrase "extension module" in paragraph [0005] as well as indicating a plugin, for use with the various video players.

The Examiner also rejected this claim on the same basis as claim 28, above. Applicant submits that claim 31 satisfies the written description requirement for the same reasons described above with reference to claim 28. Accordingly, Applicant submits that all of the elements are disclosed with sufficient specificity to satisfy the written description requirement and respectfully requests that this rejection be withdrawn.

II.   The Claims are Enabled by the Specification

The Examiner has rejected claims 28 through 31 under 35 U.S.C. §112 for failing to satisfy the enablement requirement. The Examiner asserts that none of these claims including two access systems, two frameworks, one or more extension modules and a coupling means are disclosed in the invention with sufficient specificity to enable one skilled in the art to make and use the invention. Applicant submits that the present invention is disclosed in such a way that one skilled in the art would be enabled to make and use the invention.

Applicant first submits that the first and second access systems and first and second frameworks are, as described above, a part of at least two multimedia frameworks such as QuickTime® software or NetShow™ software. Applicant has amended the claims to make the various elements more clear. Accordingly, all four of these elements are disclosed in the Abstract and in paragraphs [0012] and [0023] of the specification as published. The extension module is described in paragraph [0005] of the specification as published. Accordingly, each of the elements of the claim are found in the specification.

The description of this process is made with reference to an actual multimedia framework, the RealPlayer® software. The description ranges from paragraph [0031] to paragraph [0040]. While the interaction with a second framework is not explicitly described, the ability of using the same methodologies is described as one of the primary goals of the invention (See paragraphs [0006] and [0012]) and several of these multimedia frameworks are mentioned specifically (See the Abstract and paragraph [0006]). Accordingly, applicant submits, that one of skill in the art would be capable, after reading the description in paragraphs [0031] through [0040], of making and using the claimed invention for use with

RealPlayer® software or any number of other multimedia frameworks. Accordingly,

Applicant respectfully requests that the rejections of these claims be withdrawn.

III.   The Claims are Directed to Statutory Subject Matter

The Examiner has rejected claims 28-31 under 35 U.S.C.§ 101 as directed to non-

statutory subject matter. In particular, the Examiner has indicated that the claims are not

directed to computer components or statutory processes. Accordingly, the Examiner rejected

the claims. Applicant respectfully submits that each of these claims is directed to statutory

subject matter.

Applicant draws the Examiner's attention to *In re Lowrey*, 32 F.3d 1579, 32

U.S.P.Q.2d 1031 (Fed. Cir. 1994). In this case, the United States Patent and Trademark

Office Board of Patent Appeals and Interferences rejected claims directed to a data structure

as being directed to non-patentable subject matter. On appeal, the Federal Circuit reversed

saying that data structures, so long as they define electrical elements in a memory and

provide tangible benefits (for example, increased data throughput in *Lowrey*), are suitable

subject matter for patent protection. *In re Lowrey*, 32 F.3d 1579, 1584, 32 U.S.P.Q.2d 1031,

1035 (Fed. Cir. 1994).

In the present application, each of claims 28 through 31 are directed toward a

particular data structure, an extension layer, resident in memory, suitable for providing

access to a plurality of frameworks. These frameworks may be used, in turn, for generating

video, audio and other extensions of the multimedia frameworks. The single extension layer

allows a user to interact with these frameworks through a single interface. In this way, the

claimed invention provides substantial tangible benefit. Accordingly, Applicant submits that

the claimed data structure is suitable subject matter for protection and respectfully requests that the rejection under 35 U.S.C. § 101 be withdrawn.

IV.   The Claims have been Amended to Address the Claim Objections

The Examiner also objected to the form of claims 28 through 31 as including a reference to "an extensible framework." The Examiner asserts that it is not clear whether this is the first framework, the second framework or a new framework. Applicant submits that the "an extensible framework" in claims 28 through 31 is intended to refer to the abstraction layer framework, suitable for providing a single interface to the multiplicity of frameworks provided by the multimedia players such as the RealPlayer® software, NetShow™ software or Quicktime® software. Accordingly, Applicant has amended this phrase in each of claims 28 through 31 to the phrase, "an extensible abstraction layer framework" in order to distinguish it from the "first framework" and the "second framework" also referred to in those claims. Applicant submits that this sufficiently clarifies the claims and respectfully requests that the objection be withdrawn.

V.   The Claims are not Obvious in Light of the Cited Art

The Examiner has rejected claims 28 through 31 under 35 U.S.C. § 103 as obvious in view of Apple Computer (QuickTime® Technology Brief) in view of Sellers (QuickTime® 3.0 – an Overview). The Examiner indicates that a first access system and coupling system are disclosed in these two prior art references when read together. Applicant submits that these references do not disclose the claimed invention and, further, that the addition of the second access system and second framework are not obvious in view of the prior art cited.

As described above, it appears that the Examiner misunderstands the invention. The first and second access systems and first and second frameworks are access systems and

frameworks provided by, for example, QuickTime® software and NetShow™ software. The extensible framework (amended to read "extensible abstraction layer framework" in the claims) is a secondary abstraction layer suitable for interacting with a multiplicity of first and second access systems and frameworks such that a user may interact directly with the extensible abstraction layer framework and expect a similar result on each type of multimedia player without an understanding of the methods and functions used by the individual multimedia players themselves. This "extensible abstraction layer framework" is the focus of the claim and the specification. (See the Abstract and paragraph [0003] – [0006]). Accordingly, the claim describes in the preamble to each claim "an extension layer."

The first access system and first framework in claims 28 through 31 refer to the access system and multimedia frameworks provided for extension of the multimedia players such as QuickTime® software or NetShow™. software It is true that the cited reference discloses the use of a framework for the QuickTime® software, however, it does not disclose a separate additional framework for, for example, the NetShow™ software which includes different functions, commands and command parameters from those used with the QuickTime® software. The present invention is directed to eliminating the need to understand all of these differing functions, commands and command parameters for each of the multimedia players. A user of this invention may rely on a single set of functions, commands and parameters passed to the "extension layer."

Applicant also points out coupling system for coupling said first access system and framework to an extensible framework (now amended to read "an extensible abstraction layer framework") is not described in the cited reference. In fact, the coupling system

couples the multiplicity of multimedia players to the extension module (or "plugin" see

[0005] of the specification as published) for use through a single interface (with its own

unified set of commands and functions). The benefit is that a user may issue one set of

commands which results in a similar result in each of the coupled multimedia players, though

the extension layer's interaction with each of the various multimedia players.

      With regard to the rejection of claim 28 specifically, the Applicant submits that the

prior art cited does not disclose in the QuickTime® software alone the capability to

seamlessly interact with a plurality of multimedia players, using a unified set of functions

and a single set of content and providing the same or similar response on each of a

multiplicity of players through the use of a single extension layer, as required by claim 28.

The cited references provide, if anything, only for the element in claim 28 of, "a first access

system coupled to a first framework which interacts with the first framework." Accordingly,

all of the elements of claim 28 are not met by the cited references, either implicitly or

explicitly. Applicant, therefore, respectfully requests that the rejection be withdrawn.

      With regard to the rejection of claim 29, Applicant submits that the description of the

claims provided above, in addition to the response to claim 28 is sufficient to overcome the

obviousness rejection. In addition, Applicant submits that the cited art provides nothing

comparable to a "synchronization system for synchronizing data from the extension module."

As disclosed in the specification in paragraph [0039] of the specification as published, time-

based synchronization of the various multimedia components may be crucial. The

RealPlayer® software or the QuickTime® software alone do not provide this functionality,

so it is included as a portion of the synchronization abstraction layer. This type of

synchronization must be used to synchronize multiple elements in a multimedia presentation, such as video and slides. Applicant respectfully requests that this rejection be withdrawn.

With regard to the rejection of claim 30, Applicant submits that the reasons given for allowance of claims 28 and claims 30 are sufficient to overcome the obviousness rejection and on that basis requests that the rejection be withdrawn. In addition, Applicant submits that QuickTime® provides no method for communication with the "extensible abstraction layer framework" as the amended claims require. QuickTime® software provides for communication between a user (or software) and the QuickTime® software. It does not provide for communication, through an extension layer by means of a set of uniform functions and commands. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Finally, with regard to claim 31, applicant submits that the reasons for withdrawal of the rejection of claims 28 through 30 are sufficient and on that basis requests withdrawal of the rejection of claim 31. In addition, Applicant respectfully points out that the QuickTime® software does not disclose an ordered-data flow-based framework. As can be seen from the description of these claims, the order and synchronization of elements may be important to the multimedia presentation. QuickTime® software provides for the display of video, natively, but not for the ordered-data display of video in conjunction with other elements which is envisioned within the scope of this claim. Accordingly, QuickTime® software does not disclose all of the elements of this claim explicitly or implicitly and, on that basis, Applicant respectfully requests that the rejection of this claim be withdrawn.

VI. <u>Conclusion</u>

Applicants believe that the application is now in condition for allowance and

respectfully requests an early Notice of Allowance.

Respectfully submitted,

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